



California Department of Veterans Affairs
K. MAURICE JOHANNESSEN
Secretary

DIVISION OF ADMINISTRATIVE SERVICES
Office of HIPAA Implementation

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MANDATORY ACTION!

GUIDANCE MEMORANDUM 100.A

To: ALL MANAGERS, SERVICE CHIEFS, AND SUPERVISORS

From: DEBORAH KANIA, Deputy Secretary

Through: K. MAURICE JOHANNESSEN, Secretary

Re: INTERNAL ASSESSEMENT INSTRUMENT AND SAFEGUARDS PROCESS

ORIGINAL ISSUE DATE - 2 May 2003
RE-ISSUED: 1 October 2003

The California Department of Veterans Affairs (CDVA) will be conducting an ongoing effort to improve the protection of confidential information, including clients' health information. As part of this effort, CDVA managers and supervisors will be asked to conduct self-assessments of their offices to determine whether they have in place reasonable physical, technical and administrative safeguards to protect confidential information.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires CDVA, as a covered entity, to "have in place appropriate administrative, technical, and physical safeguards to protect the privacy of protected health information (PHI)." We are therefore required to "reasonably safeguard PHI from any intentional or unintentional use or disclosure" in violation of the law. The federal Office of Civil Rights, which is responsible for enforcing HIPAA, was specific when it said:

"Reasonably safeguard means that covered entities must make reasonable efforts to prevent uses and disclosures not permitted by the rule. However, we do not expect reasonable safeguards to guarantee the privacy of PHI from any and all potential risks. In determining whether a covered entity has provided reasonable safeguards, the Department will take into account all the circumstances, including the potential effects on patient care and the financial and administrative burden of any safeguards."

OUR MISSION
"PROTECT AND SERVE VETERANS"

Conducting an Internal Assessment

It is therefore recommended that you, as managers and supervisors, take a slow, deliberate walk throughout your facility, with the security of all private information in mind. Then thoughtfully complete the Safeguards Assessment Tool. You can complete this tool in less than fifteen minutes. Add up your score and see how your facility, unit or section rates.

This score will be a guide for you to determine what reasonable safeguards to implement in your office and/or facility. This score is only a relative guide, not a security performance measure. It is up to the manager responsible for each office or facility to determine what safeguards are reasonable given his or her location.

Although the level of security may differ, the CDVA Office of HIPAA Implementation (CDVAOHI) asks that you strive to achieve excellence by seeking ways to improve your score.

Developing your Safeguards Plan

Once you have completed your internal assessment, develop a safeguards plan, document the result(s). Use the Safeguard Plan outline found at the end of the Internal Assessment Instrument to develop and describe your plan. If you are not going to change any safeguard measures in a particular section, please explain.

Please retain a copy of your completed assessment and safeguards plan for your office/facility records and submit one "hard" copy to:

CDVAOHI – PRIVACY IA
1227 "O" Street * Suite 402
Sacramento, CA 95814
Attention: **CDVAOHI**
Phone 916.651.7798

We are also asking that you transmit an email copy of the completed assessment and safeguards plan to the following email address: CDVAOHI@cdva.ca.gov.

On-going Compliance Efforts

This internal assessment is to be conducted annually during the first week of April. Your safeguards plan is to be reviewed and updated based upon any changes that may have occurred prior to your last assessment. There are many reasons why an assessment score may change each year. Revisiting the issue each year is intended to focus you and your staff on seeking new ways to implement stronger safeguards and adhere to the safeguards that you already have in place. If you have questions or would like assistance, please feel free to contact CDVAOHI – Chief Privacy Officer at the above address.

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Best Practices

If you and your staff create safeguard ideas to improve your worksite that haven't been mentioned in the Internal Assessment Instrument, please share your ideas with others and inform the Privacy Officer at your facility. We can learn some of our best practices from one-another.

Should you have any questions or need additional clarification, please feel free to contact Ivann E. Greene, Agency HIPAA Project Manager at 916.651.7798 or email him at:

ivann.greene@cdva.ca.gov

Thank you for your immediate attention to this federally mandated project.

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DEBORAH KANIA, RN
Deputy Secretary – Veterans Homes

Distribution:

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Attachments:

- Internal Assessment Instrument and Safeguards Process Guidelines
- CDVAOHI Internal Assessment Instrument and Safeguards Plan

OUR MISSION
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Internal Assessment Instrument and Safeguards Process

For the initial HIPAA compliance and implementation your internal assessment and safeguards plan **must** be completed and submitted to CDVAOHI by **May of each Fiscal Year (FY)**.

1. Complete the Internal Assessment Instrument
2. Determine your score:
 - a. Few meaningful safeguards in place
 - b. Reasonable safeguards in place
 - c. Strong safeguards are in place
3. If your score indicates that you have “few meaningful safeguards in place” and you determine that your situation will require financial support to bring your office or facility up to a reasonable standard, continue to the next step.
 - a. There are a number of safeguards that can be put into effect with minimal costs. If the expenses you estimate are **below \$1000**, please specify.
 - b. If your expenses are **above \$1,000**, or they impose an undo financial burden on your office, you will:
 - i. Submit a **General Statement** (CDVA-IA/GS is attached) requesting financial assistance to:

CDVAOHI – FMSIP
1227 “O” Street * Suite 324
Sacramento, CA 95814
Attention: **CDVAOHI**
Phone: 916.651.7798
Email: www.CDVAOHI@cdva.ca.gov
 - ii. Include your Assessment Instrument and Safeguards Plan which indicates your recommended changes in each area; and
 - iii. CDVAOHI will review each general statement request and take into consideration all conditions and circumstances before making a recommendation. The CDVAOHI review process and response will take approximately 15 to 25 days.
4. If your assessment indicates that you have “reasonable safeguards in place” **and** you have completed your Safeguards Plan noting why you will not be making changes in particular sections, you will:

- a. Maintain one copy of your complete assessment for your records; and
- b. Submit one copy of your complete assessment to:

CDVAOHI - RSIP

1227 "O" Street * Suite 324

Sacramento, CA 95814

Attention: **CDVAOHI**

Phone: 916.651.7798

Email: www.CDVAOHI@cdva.ca.gov

- 5. If your assessment indicates that you have "strong safeguards in place" **and** you have completed your safeguards plan noting why you will not be making changes in particular sections, you will:

- c. Maintain one copy of your complete assessment for your records; and
- d. Submit one copy of your complete assessment to:

CDVAOHI - SSIP

1227 "O" Street * Suite 402

Sacramento, CA 95814

Attention: **CDVAOHI**

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Email: www.CDVAOHI@cdva.ca.gov

- e. You have achieved excellence and are in a position to support others by sharing your Best Practices.